





## S P E E C H

OF

HON. ROSCOE CONKLING,  
OF NEW YORK,

DELIVERED IN THE

HOUSE OF REPRESENTATIVES, JANUARY 30, 1861.

The House having under consideration the report from the select committee of thirty-three—

Mr. CONKLING said:

Mr. SPEAKER: From the outset of this session, I have had little hope that anything could be done here or in the other end of the Capitol to arrest the revolution now prevailing in some portions of the country. I was long ago convinced that the turbulence now festered to rebellion along the Gulf of Mexico, had its origin in causes which Congress could not remove, nor even diminish or retard. Yet I have never doubted that a very numerous class of persons in the slaveholding States—persons whose patriotism might safely challenge comparison with that of any other citizens of the country—were controlled in their political sentiments and action by misapprehensions as to the designs of the masses of the non-slaveholding States; misapprehensions which all good men would gladly unite in dispelling. It would be strange, indeed, if this were not so. For years past, gentlemen representing slaveholding constituencies on this floor, have not hesitated to dignify with the language of solemn assertion, aspersions upon the political integrity of the northern people, the wildest, the most preposterous, that have come out of the fury and licentiousness of partisan contests.

It has been ceaselessly proclaimed here, that the Republican party had for its chief mission, the intentional subversion of the acknowledged constitutional rights of one portion of the country; that Republicanism was but another name for abolition; and that the accession to power of a Republican Administration would be signalized by attempts to liberate slaves by the armed intervention of the General Government. Speeches made up of these and other like allegations, have been sent like snow storms or locusts, to cover the entire South. They have been eked out with corroborations more pernicious than even the statements they contained. They have been garnished with rhetorical flourishes torn here and there from the sayings of Republican politicians. And, sir, there is not in this world a more prevalent temptation to men to exaggerate and lie, than ambition to excel in rhet-

orio. These speeches, I say, have abounded with rhetorical flourishes of Republican politicians, severed from the context, and representing the original meaning about as truly as a thread of canvass raveled from a picture, would present the conception of the painter.

They have abounded, sir, in another thing, which I do not want to forget, infinitely more detrimental still. They have bristled with scraps cut from northern newspapers, newspapers which in assailing Republican principles and candidates, have impeached the motives and character of their opponents; have called us Abolitionists; have aimed at us arrows of falsehood, intended to take only local and temporary effect, but which, picked up where they fell, have been brought here into Committee of the Whole, feathered with the franking privilege, and shot with far-reaching and wide-spreading destructiveness. Ten thousand springs of falsehood and perversion have filled the very atmosphere with noxious vapors, and, turned persistently for years by politicians into one and the same channel, have at length swollen into a current so mighty as to bear away whole communities into utter disbelief in the patriotism of at least one great party in the North, and convince them that, throughout the non-slaveholding States, the lovers of constitutional liberty are reduced to a minority so hopeless as to be almost utterly extinct.

To dispel this monstrous delusion, and strike the scales of prejudice and misconception from every innocent and honest eye, would be well worthy the best efforts of the best minds in any Congress. But, sir, I am saddened to believe the task is hopeless—hopeless as regards the Gulf States at least. I am constrained to believe that there the avenues to the public apprehension are closed—closed to all save those who have misguided it and lashed it into blind and boisterous excitement. Even if the southern mind were accessible, and every man and woman could be completely undeceived, I believe that, so far as regards the lower slaveholding States, no cause would be subserved, except the cause of abstract truth. The cause of Union, I do not believe, would be perceptibly affected. Dupes are never

leaders. The men in the South who have been imposed upon and become infatuated in regard to their brethren at the North, are not the men who head rebellions or instigate revolt. The men who ride on the whirlwind and direct the storm, those who have succeeded to the powers of Æolus, at least so far as to let loose the south wind, are not the victims of any such delusions. They know better. They know that the party which has recently prevailed in the country, meditates no innovation upon the Constitution of the United States, nor any novel application of its principles to slavery or to any other subject. They know the mission and purpose of that party is simply to restore the ancient policy of the Republic—the policy which began with Washington, and carried the Government in safety down the stream of time for seventy years—seventy pure, prosperous, and peaceful years. They know that if the fact were otherwise, the newly-elected President would be powerless to do wrong to the South; as powerless as a child, with a majority against him in both Houses of Congress, if southern Senators and Representatives remain faithful at their posts. These breeders of sedition, understand as well as any man who hears me, the needlessness of all these schemes of compromise. They know how harmless a thing is a personal liberty bill, if it conflicts with the Constitution of the United States. They are lawyers, some of them, and they have learned—certainly they learned long ago in South Carolina—how puny a thing is legislative usurpation in a State, before the beak and claws of Federal power. They know that no Republican, nor any political party mustering force enough to elect a constable in a town anywhere, pretends to a right to interfere with slavery in the slaveholding States. They know that by the declarations of all political parties such a right is repudiated and denounced. They know that an amendment to the Constitution to enable the Federal Government to reach slavery in the States, could never be affected within any period of time which present prophecy can cover. They cry out about territorial injustice and usurpation, and yet they know that we have but one Territory where slavery could thrive, and there slavery exists already, not—as was said the other day, inadvertently no doubt, by the distinguished gentleman from Tennessee, [Mr. NELSON]—by the law of Mexico, but by territorial laws, adopted under an organic act, passed here, in this Capitol, and passed by the votes of men from the North as well as men from the South. The slave code of New Mexico had its origin in the compromise measures of 1850. It covers a vast area of territory theretofore free by the law of Mexico and by the law of nations; and the North has not the numerical power, in this Congress or the next, to repeal or disturb it. These causes of complaint are frivolous, clearly and manifestly frivolous. Yet such are the considerations upon which apostate Americans are plotting the ruin of their country; such are the avowed reasons why this bright vision of constitutional liberty, which fills Christendom with light and hope, should shrivel like a parched scroll; such the apology for attempting to bury free institutions in the waves

of revolution, leaving the annals of self-government, like a bloody buoy on the sea of time, warning the nations of the earth to keep aloof from the mighty ruin.

Mr. HINDMAN. Will the gentleman yield a moment?

Mr. CONKLING. For what purpose?

Mr. HINDMAN. For the purpose of making a point of order upon the language which has been used by yourself.

Mr. CONKLING. That I must yield to, of course.

Mr. HINDMAN. The gentleman from New York used the term "apostate American." I wish to inquire of the Chair if it is intended to allow, now and hereafter, the application of any such term as that to any members of this House, or to any portion of their constituents, who believe that the time has come for a dissolution of this Union and for a secession of the States of the South from it? I ask if it is in order to stigmatize them by the application of the term "apostate Americans?" I ask the Chair now to decide whether such a thing is in order?

Mr. GROW. Is a point of order debatable?

Mr. HINDMAN. I was making a point of order, and it is statable, is it not?

The SPEAKER. The Chair will merely say upon that subject, that it is a matter which will be regulated, he has no doubt, by every gentleman who speaks to the House. The application of that term to any gentleman present, or to any portion of his constituents, will not be correct; but the application might be made without any reference to any gentleman present, or to any particular person he is interested in, for all the Chair sees, if the gentleman thinks proper to make it.

Mr. HINDMAN. Then I ask the Chair if the qualifying remark should not go with the phrase itself when used?

Mr. CONKLING. I desire no difficulty with the gentleman from Arkansas, or with any other gentleman, with regard to this debate. If that gentleman knew me better, he would understand that I would not select an occasion like this to say anything personally offensive, in the slightest degree, to any member of this House. But this is a time which I think imposes upon every man the duty, as I shall assume it gives me the privilege, of speaking with absolute unreserve.

Mr. HINDMAN. The gentleman will allow me one moment. I have no disposition to consume one minute of his time unnecessarily.

Mr. CONKLING. If these interruptions do not come out of my time, I will give way.

Mr. HINDMAN. My point is this: that while it is a period when every member—

Mr. CASE. I object to this interruption.

Mr. HINDMAN. Whether the gentleman object or not, I intend to say—

Mr. CONKLING. I hope the gentleman will have regard to the fact that his interruption may come out of my time, by the requirement of the House, at the end of the hour.

Mr. HINDMAN. It does not come out of your time.

Mr. CASE. I call the gentleman to order.



Mr. HINDMAN. The gentleman's own friends are compelling me to consume more of his time than I would, and they cannot prevent me from saying what I shall say, at all events.

Mr. GROW. I call the gentleman to order; and I object in good faith.

Mr. CONKLING. I must decline to yield further; and if the gentleman persists, he must occupy the floor upon a point of order, or my brief hour will be too far frittered away.

Mr. HINDMAN. The term "apostate American," was applied by the gentleman from New York to some persons, and all I desire to know is, to whom the epithet was applied; whether it was proper to apply it, and whether it is the intention of the gentleman, in the exercise of that right which he claims to belong to him, to use the language contained in the after part of his remarks, as applicable to any portion of the southern people? If issues of that sort are to be raised, they may as well be made now as at any time.

Mr. CONKLING. I protest against any portion of this interruption being taken out of my time.

The SPEAKER. It must come out of the gentleman's time, except by unanimous consent.

Mr. VALLANDIGHAM. The question raised is a point of order, and therefore it cannot come out of the gentleman's time.

Mr. HINDMAN. It seems to me that a point of order raised upon the gentleman, and all remarks connected therewith, would not come out of the gentleman's time.

Mr. McKEAN. If it does not come out of the gentleman's time, the interruption might consume the whole day.

Mr. SPINNER. Is not the point of order settled?

Mr. HINDMAN. The decision of the Chair was that such remarks were not in order.

The SPEAKER. The Chair stated that it would be the duty of the Chair to arrest any personal remarks; but the particular language a speaker uses the Chair never can control.

Mr. HINDMAN. I shall continue to raise the point of order from time to time, and I hope the gentleman from New York will bear that determination in mind.

Mr. GROW. We have set here the whole session, hearing ourselves denounced as traitors and everything else. Free speech ought to be tolerated on this floor.

Mr. CONKLING. Mr. Speaker, I was proceeding to say when interrupted, that the alleged grievances I have enumerated, are the avowed occasion of this revolt, and I say now that they are not reasons, but excuses—sad, pitiful excuses of designing and desperate men; the subterfuges and make-shifts of unholy and baffled ambition. The true explanation lies deeper. The true reason is, that by the sentiment of an overwhelming majority of the people of the Republic, slaveholding, as a moral proposition, is outlawed and abhorred; that assent to slavery, as a policy to be fostered, has forever ceased to be national in this country. It is charged upon the North, sir—and I am going to continue to speak with great frankness upon this subject—

it is charged upon the North that at the fireside, on the pavement, in the school-house, slavery is held to be a moral, social, and political evil. The charge is true, sir; every word of it. A large majority of the people of the North, no matter of what political party, look upon slavery as an insatiate master. They do not see it in its patriarchal aspects; but they see an iron-heeled, marble-hearted oppressor, demanding always three victims—the slave, the master, and the land. In this regard, the people of the North agree exactly with the whole Christian world, the slaveholding States of this blood-bought, liberty-founded Republic, alone excepted. Why, sir, the jurisprudence of the world is against slavery; the literature of the world is against slavery; the civilization of the world is against slavery. Mr. Webster once said, speaking of another subject

"The lightning is strong; the tornado is strong; the earthquake is strong; but there is something stronger than all of these: it is the enlightened judgment of mankind."

That, too, is against slavery. A great man has said, "Let me write the songs of a people, and I care not who makes their laws;" and the songs, the poetry, and even the fine arts of the world, are against slavery.

Is any free State to blame for that? No, sir; it is one of the enactments of that "higher law" which my gifted friend from Ohio [Mr. BINGHAM] spoke of the other day, and which he said was announced as a fact in legal and political science as far back as the days of Madison. He might have gone much further back, certainly as far as Elizabeth's Attorney General, that untiring student who, at the age of twenty-seven, was the greatest common lawyer in the world. Sir Edward Coke proclaimed, when the name of Coke bore great sway in Britain, as it has done since in the world,—"I quote the substance of his language from recollection—that laws of Parliament conflicting with the laws of God were to be held utterly for naught. I am not affirming or denying this doctrine now, sir; but I do affirm that the love of liberty, the detestation of oppression, the unquenchable hatred of tyranny, which lies at the foundation of the anti-slavery sentiment of the North, is a law which cannot be suspended by congressional compromises, nor repealed except by that great Legislator whose enactments quicken and still the pulses, and grasp and regulate the subtle essences of human life. I repeat, sir, that this anti-slavery sentiment lies at the bottom of southern discontent; not that had it lain dormant, asleep, like "the passions in infancy's breast," or found expression only in words, it would have provoked this angry quarrel, but it has found a voice in the politics of the country.

It is charged with having accomplished unconstitutional ends or grasped at unconstitutional powers. I deny it. It has controlled popular elections—ay, sir, there's the rub; it has come like a chilling frost to nip in the bud darling schemes of personal ambition and far-reaching plots of sectional aggrandizement. It has changed the balance of political power in this country. Its mission is not to do, but to prevent; and yet, sir, I do not deny that it ushers in a mighty re-

formation. It calls a halt in a swift-moving procession of great events. There shall be no more Mexican wars now, that slavery or ambition may travel on the crimson wings of military conquest. The armies of the Republic shall not now go forth to change realms to deserts, nor even to sack cities, or subdue Territories, in order to people them with slaves, and endow them with slave representation. Ambassadors from the American Republic at the Courts of Europe will not dare assemble at the tomb of Charlemagne and proclaim the Ostend manifesto. American slavery shall be no more the favored, pampered child of American destiny—a thing for Government to fondle and caress—but an interest having definite constitutional rights, and having nothing more.

All this, sir, was long ago foreseen by the piercing eyes of southern politicians, and the very year predicted in which it should come to pass. In that same hour in which the horoscope foretold the political reverses of 1860, a child was born which has grown to armed rebellion. From that hour revolution has been premeditated and prepared, and that, too, by men who, as officers of the Government, had sworn to maintain it; but who have at last torn off their masks and revealed themselves as conspirators against it, and spurned it in its own Capital, with the very blasphemy of treason.

Mr. SIMMS. Will the gentleman allow me to ask him a question?

Mr. CONKLING. Only upon the condition that the interruption does not come out of my time.

Mr. SIMMS. I concur with the gentleman that we should be very frank in these times, and I want to ask him a question.

Several MEMBERS objected.

Mr. CONKLING. Objection is made, but not by me; and I am sorry I cannot yield to the gentleman.

The SPEAKER. The Chair will state that, if a gentleman yields for interruptions, his time cannot be extended except by unanimous consent.

Mr. SIMMS. Then I do not press my request.

Mr. CONKLING. Mr. Speaker, with this view of our predicament, its origin, its history, and its authors, I saw little, from the outset, that we could do, except to abide the issue. On the President of the United States and his Cabinet, grave responsibilities were cast; responsibilities for which they will be held deeply answerable in more than one tribunal. By the Constitution, it was the duty of the President to see that the laws were faithfully executed; but he complains in his message that by the act of 1795, giving effect to this provision, his action is merely auxiliary to that of the courts, and that, inasmuch as in South Carolina the judicial and ministerial officers had resigned, his power to enforce the laws was practically paralyzed. That, sir, would be a proposition worthy of more searching discussion than it has yet received, if it were not swallowed up in one of far vaster magnitude. By the Constitution, the President is commander-in-chief of the Army and Navy, and is charged with the duty, and vested with the power, of

preserving, on the land and on the sea, our national defences. For the complete exercise of this power, he needed no court to issue process and no marshal to execute it. Nothing was needed but firmness and integrity. Either one alone would have been sufficient; but he chose to leave the country naked to its enemies. He chose to imperil the lives of brave men, mewed up, treason-bound, in ungarrisoned fortresses, and to refuse them succor and reinforcement. If it be said that the movement southward of ships or men would have precipitated a bloody outbreak, it is answer enough to say that the forts should have been garrisoned before the first mutterings of the storm. It should have been done early; done gradually; done when sagacious and patriotic citizens of all sections advised and implored it.

But, sir, it was not done; and the President of this mighty nation stood petrified by fear, or vacillating between determination and doubt, while rebels snatched from his nerveless grasp the ensign of the Republic, and waved before his eyes the banner of secession and rebellion.

With all this we had nothing to do. We were powerless to control it. The Constitution gave us no such power; and I wish with all my heart the whole people of the country knew as well as we know, how utterly impotent we were—we, the Union party of this House—to control and influence the course the Administration has seen fit to pursue, or to trammel up the infinite mischief which has resulted from it.

It was our duty to vote money to carry on the Government. Besides this duty what had we? Nothing, I fear, except our share in the great issue of the hour, the ultimatum of this controversy—the question whether the people will consent to a disintegration of the Government, or unite to maintain it. That any States could go out of the Union at will, I did not at all believe. The history of the convention which framed the Constitution shows that no such right exists. I do not desire to be drawn into a discussion of it, this hour rule denies me opportunity; but I want to remind gentlemen of a fact which I have not heard mentioned here, and which should not be entirely forgotten. An attempt was made in the convention to introduce into the Constitution, a provision giving this very right of secession which now is claimed. The proposition came from a distinguished quarter, and was urged by the mover to protect men, as he said, from the halter, who should do precisely what has been going on in the South for weeks past. The provision was voted down—voted down by men who thought that, in launching a great Government upon the tide of time, they were bringing into existence something with more longevity than a partnership; with more cohesion than a club of thirteen members; and more lasting durability than a sewing society of women. It was spurned by statesmen who believed they were making, not a contract to arrange a voluntary affiliation of States, but a Constitution to solemnize an eternal wedlock of the people. [See note.]

Mr. Speaker, since I have turned aside from my purpose to speak of the subject, I want to make another remark or two upon this nonde-



script, paradoxical thing called "the right of secession." A constitutional right to violate the Constitution. A peaceable right to put half the country on a war footing, to arm men, and plant cannon everywhere, to seize the Federal property, expel the Government, and fire upon unarmed vessels bearing its flag. I believe there are three ways in which the people of a State can cut themselves loose from their Federal allegiance. The first is by an amendment of the Constitution, as provided for in the Constitution itself. The second is, by the consent, not of the remaining States, but of the people—to use a phrase of Mr. Madison's—"by the universal acquiescence of the American people." The third is, by that right or power which, as the gentleman from Ohio well said, inheres in men and not in States, the option which all men have to defy their Government, and, if they succeed, to live, and live perhaps as patriots and heroes; but if they fail, to die, and die as rebels and as traitors. We have heard a great deal said about coercing States. I never heard of any one who proposed to do it. States do not commit murder, nor rob, nor steal, nor take oaths and break them. Men do such things; and men are punishable, not States.

It was asked here the other day, whether laws were to be enforced if the people of a dozen States resisted them. Ah, Mr. Speaker, that is the old puzzle which has been presented to all Governments. That is the old problem which has been solved by every Government that ever existed long enough to demonstrate the power of self-perpetuation. If one man commits murder in the State of Virginia, there is no difficulty in indicting and executing him. But if ten thousand men participate in that murder, all are indictable, and all are guilty; but they are not all punishable practically, because the wheels of justice would roll axle-deep in blood, and so would stop for very clogging. The principle, however, remains the same.

In this connection there is one remark I want to make about war—war, whether it be waged in resistance of laws or for any other purpose. In this material age, war is a very humdrum thing. The battles known to the crusaders, and sung by the Troubadours, have all been fought. War is no longer a question of personal valor or individual prowess; but a mere question of money—a question who can throw the most projectiles, who can indulge in the most iron and lead. It is no longer regulated by the laws of honor and chivalry, but entirely by the laws of trade.

But sir, had I that bad heart, that malevolence, which is supposed to exist among the northern people toward their brothers in the South—and which God knows I do not feel, nor do those I represent—did I desire to see secession drowned in its own blood, or wither and famish, I would crown every discontented State with instantaneous independence. There would be no more rendition of fugitives then; there would be no General Government to quell slave insurrections then; there would be no more Monroe doctrine then; no more national vows that European nationalities shall never interfere upon this con-

tinent; but hostility to slavery, death rather than expansion, would become a leading policy of all nations, whether transatlantic or adjacently. A slaveholding confederacy would cast out its shoe at its peril over one foot of land beyond its present limits capable of yielding any product that man can eat or any fabric that man can wear. I say beyond its present limits; I will come nearer home, and say, that whoever shall attempt to hold the mouth of the Mississippi, or to control it even so far as to assume to dispense the right of free navigation, may have reason to exclaim—

"To be thus is nothing, but to be safely thus."

The cotton statistics of the world are full of instructive meaning to those who base their calculations on the supposition that American slave-raised cotton is to be perpetually king. The figures point to a time when this restless monarch, goaded to new usurpations by the "weird sisters" avarice, ambition, and secession, may have reason to groan in the soliloquy of a guilty king:

"Upon my head they placed a fruitless crown,  
And put a barren sceptre in my gripe,  
Thence to be wrenched with an unlineal hand,  
No son of mine succeeding."

But, Mr. Speaker, in consequence of interruptions, and of the crowd of topics which press upon me, I have wandered far from the line I intended to pursue.

I desire to inquire what can be done, what we ought to do, with the various propositions immediately before us? Believing, as I do, that a more unjustifiable revolt—and I must be permitted to add, one more perfidions, so far as regards the relationships of men—was never led against an established Government, one difficulty has been, all along, to see how any branch of the Government could, with safety or propriety, enter upon negotiations at all. To agree under a threat to what is right and just, is a very humiliating and unmanly thing, even in an individual. But for a great Government to do it—a Government that acknowledges no superior among the Powers of the earth—what shall be said of that? In such a case it must be justified, if justified at all, either by a necessity entirely desperate, or a magnanimity entirely sublime.

Can there be a doubt that to change laws at the violent behest of those who are engaged in resisting them, would demoralize and jeopard any Government? Can there be a doubt that for civil authorities to propose terms of arrangement to insurgents standing with arms in their hands; would be not only to confess impotency, but to offer bounty for popular clamor and insubordination? I have heard such concessions called tubs thrown to the whale; I call them planks thrown to the mob, and I never heard of a mob less deserving to be dallied with, according to my apprehension, than that which has seized the possessions of the Government, snatched its property and its money, and fired upon its flag. I have no desire to wound the feelings of any man; but I must be permitted to say, that if speaking with bated breath of such despicable marauders is any part of anybody's compromise, I want, for one, to be counted out, all the way out to the

last act in the drama. No, sir, confining my view to the State executives who have become actors in treason, and to the people, be they many or few, who have raised the standard of rebellion, I care not in what State, I have no compromise to offer, no terms to talk about; none, until they return to their allegiance, haul down their palmettos and pelicans, doff their cockades, and wear, as we wear, not the livery of treason, but the garb of citizenship and submission to the laws.

But, sir, fortunately there are true and loyal men in all the States; and, unfortunately, public tranquillity in none of the States of the Confederacy. Distraction and excitement reign in States whose executives and a majority of whose people are loyal to the Union and the Constitution. These are the more northerly slaveholding States. They are represented here, in part at least, by men whose patriotism and character entitles them and their opinions to the highest consideration. The people of these States have obvious and powerful incentives to launch upon the tide of secession. They have the closest affinities, political, social, geographical, and commercial, with regions and communities in which irreverence for the Constitution and hostility to the Union has gone so far, that fealty to the General Government has been made punishable with death. In all of these States two parties exist: one in favor of disunion, the other persistently opposed to it. Was this otherwise, were the people of these State indiscriminately affected, indiscriminately only hesitating, halting between two conclusions, not ready to declare themselves out of the Confederacy, but waiting to be induced to stay in; was there an average public sentiment demanding to be addressed and persuaded not to disown the Government, the case would be widely different. If the people of any State were thus up to be raffled for, by the Government on one side and traitors on the other, I would decline the competition. I would not see the Government a bidder at an auction where allegiance and patriotism were to be sold. I would rather commend to a sister, thus waiting to be coaxed into wedlock, the assurance which the poet says an old warrior gave his daughter:

"A hero shall thy bridegroom be,  
Since maids are best in battle wooed  
And won with shouts of victory,"

But sir, no such degeneracy exists in Delaware, Maryland, Virginia, North Carolina, Kentucky, Tennessee, and Missouri, and I hope not in other States. In all these States at least, public virtue still lives, robust and unweakened. This debate will preserve bright and enduring traces of the patriotism, the genius, and the loyalty of their sons. To these brave men, struggling to maintain their own foothold in the storm, and laboring to inspire others with their own spirit, I will give all the help I can to enable them to stem the current of revolution, and roll back the tide of sectional madness and egotism. [Applause in the galleries.] Not that I believe it will avert the issue of disunion; but still I will make concessions. Concessions which will show that we do not, as the gentleman from Virginia

[Mr. GARNETT] said the other day, stand "idle spectators while the ship drifts upon the rocks," unconcerned observers of the approach of the harpies of the shore to pluck the eagle of the sea. Concessions, which if sustained on this side of the House, will show the magnanimous people of the North that their Representatives struck hands with Union men of all sections and all parties, and went in kindness and conciliation to the very verge of debateable propositions; concessions which will show that we abandoned the effort to avert disunion and civil war, only when we had exhausted the last argument, held out the last offer, and resorted to the last expedient we were warranted in employing.

Mr. Speaker, I see I must be very brief, which I regret, because my design was to discuss the different propositions before us with some particularity. I will say hastily what, for one, I propose to do with regard to them. Gentlemen complain that their constituents feel aggrieved with regard to our territorial policy; and I will begin with that.

The line of 36° 30' long ago became a consecrated line upon the political chart of our country. It was ruthlessly blotted out; but it is the better remembered for the stupendous crime and folly which erased it. Though not an isothermal line, gentlemen all virtually start with the idea that north of it slavery cannot subsist. On the south of it, a distinguished Senator from Kentucky [Mr. CRITTENDEN] has proposed to license and protect slavery by an amendment of the Constitution—an amendment which shall embrace not only present possessions, but extend to future acquisitions. The same proposition is here, as an amendment to the pending report, offered by the distinguished gentleman from the Wheeling district of Virginia, [Mr. CLEMENS.] No matter in what guise, or from what quarter it comes, for one, I cannot vote for it; and for a number of reasons, two of which I will state. In the first place, I will not vote to establish slavery anywhere. The eighth section of the act admitting Missouri, commonly called the Missouri Compromise, did not establish, or even recognize slavery at all. It merely fixed a certain bound, and dedicated to perpetual freedom all territory north of it, saying nothing about territory on the south. In that respect, there is a world-wide difference between the old proposition and the new.

But, sir, passing over this objection, as applied to territory now held, who shall count the consequences, or compute the folly and disaster of guarantying to slavery all possessions hereafter to be acquired? What calamity might not spring from making to slavery this golden promise of a shadowy and eternal by-and-by? Why, sir, it would amount to a perpetual covenant of war against every people, tribe, and State owning a foot of land between here and Terra del Fuego. It would make the Government the armed missionary of slavery. Eternal quarrels would be picked across the frontier lines, the Government must protect its citizens and demand indemnity for hostilities; and thus, for purposes of land-stealing and slave-planting, we should be launched upon a shoreless and starless sea



of war and filibustering. I desired to make some further suggestions about this proposition; but I pass it by.

Of territory already acquired, there is none below 36° 30', aside from that devoted to Indian tribes, save New Mexico and Arizona. Unfit as these Territories must be conceded to be—I beg pardon of my friend the Delegate [Mr. OTERO]—to enter this Union as a State, no matter what constitution they bring, I will vote for the enabling act brought in by the distinguished gentleman at the head of the committee of thirty-three. But, sir, in supporting this bill I will practice no deception, even by silence. No *suggestio falsi*, or even *suppressio veri*, shall lurk about my vote. I will not hold out the idea to the South that New Mexico will come in as a slave State, for I do not believe it. I believe that if she does not come free from the start, she will never be in any practical sense a slaveholding State. There are twelve slaves there now, as I understand it, and situation, soil, climate, and surroundings will baffle slavery, now or hereafter. This is my belief; and I will vote to carry out the compromises of 1850, declaring, as they do, that New Mexico may come in with or without slavery, as her constitution shall provide.

I will vote for all the resolutions appended to the report of the chairman, declaratory of the duty of everybody to observe constitutional obligations. I would gladly vary the language of two of these resolutions, but only to express more unmistakably, if possible, the meaning they are, no doubt, intended to convey.

I will vote for the bill amendatory of the fugitive slave law of 1850, provided it can be amended in two particulars. In the first place, I would strike out the provision for a retrial, upon the mere *ipse dixit* of a judge, of the freedom of the alleged fugitive, after it has been once found by a jury. If twelve men, selected by lot from a slaveholding population in the vicinage where the claimant lives, pronounce a negro free, I would not, simply because the judge is not satisfied with the verdict, remand him to be put in peril a second time, the jury to be met at the threshold by a certificate that the conclusion arrived at by the preceding jury was not satisfactory to the court. If the provision is intended for the benefit of the alleged fugitive, and to give him a second trial in case the first results adversely to him, say so in the bill, and let the provision follow the reasonable doubt, *in favorem vite*; or, if this is too much to ask, then give both claimant and defendant the same rights of exception and review allowed in criminal cases. Secondly, I would provide redress for those who, after being arrested and transported for trial, are found not to be fugitives at all, nor to owe service to any one. I would not evade established maxims so far as to subject men to malicious or mistaken arrests, and leave any doubt about their remedy. The remedy, in this case, it seems to me, is a right of action in the State where the arrest is made. It should be so guarded that, in case of a false arrest by mistake, and not from malice, the *bona fides* of those making it should avail them in mitigation of

damages, so as to confine the verdict to strict compensation and prevent a recovery of smart money. With these changes made, the statute will not be very tasteful to gentlemen on this side of the House; but I will vote for it, and find my justification in the anxious, earnest, wish I feel, in common with the people I represent, to do everything which can be fairly asked to preserve the Union and harmony of the States.

An act is reported, transferring from the Governors of the States to federal judges the duty of surrendering, upon requisition, persons charged with crime. It seems to me an importance has been given to this subject, by gentlemen here, which it does not deserve. A good deal of law respecting it has been put forth on both sides of the House, from which I respectfully dissent, and it appears to me a great strain to drag the matter into the vortex of sectional strife and slave agitation. The courts and Executives must be able to settle the practice for the rendition of criminals upon a basis as little obnoxious to one portion of the country as another, and avoiding some, at least, of the practical objections applicable to this bill.

Thus, Mr. Speaker, I have referred to every proposition proceeding from the committee of thirty-three save one; that one is to submit to the Legislatures of the States a constitutional amendment—an amendment placing it forever out of the power of any number of States less than the whole number to amend the Constitution respecting slavery in the slaveholding States.

I regret, sir, that such a proposition is here. I regret that it was deemed necessary, especially after the resolution on the same point—the third of the series, I think. For the resolution, I presume every gentleman on this side of the House will cordially vote; the proposal to amend the Constitution presents very different considerations. I have been unable to discover any adequate motive for it, or any object to be gained. Gentlemen of the South have heretofore repelled the insinuation that the Constitution was not satisfactory to them precisely as it is. The complaint has been, not that constitutional guarantees were insufficient; but that the people of the North did not or would not observe them. This is the sole complaint about the Constitution at present, as I understand it. If, then, we do not observe it now, what hope is there that we shall observe it after it has been altered? I say, none; no hope that any one will revere it as much then as it is revered now, while it remains as our fathers made it.

It is said, however, that the object of this amendment is so to rivet the fastenings as to provide against our bad faith. Passing over the insult of this proposition, the argument is bad; bad, because amendments as dangerous to the South as that thus sought to be guarded against, will still remain accessible to the Punic faith of the free States when they shall multiply to the needed number—those forty-five free States, conceived, in the prattle of to-day, to be brought forth of the throes of centuries themselves unborn. But, sir, I cannot reconcile myself to the idea of disturbing the Constitution in the least

of its particulars. It may be a superstitious feeling; but I fear you will unsettle the nation's faith on the day when you admit that a time has arrived when the Constitution is no longer equal to the emergency. It came as it is now from the heroic age of the Republic; its origin and its antiquity enhance its sacredness and supremacy. Men do not think of it as a machine to be regulated; but they trust to it as a beneficent overruling provision, having a providence in it to order all things well.

Let us keep the Constitution as it is and obey it as it is, even to the uttermost. If degenerate Americans shall hawk at and tear it, freedom will provide a Gibbon, or better yet, a Dante, to immortalize the crime—some limner, with infernal pencil, to group the assassins in a picture horrid with resemblance, and hang it up to sicken and affright the gaze of those who shall hereafter tread the corridors of time.

Now, sir, before the hammer falls, one word in conclusion. The people I represent are a generous, brave, and peace-loving people. They cling to the institutions of their country with an earnest and almost idolatrous attachment. So does the great State of New York, with her four millions of people. So her Legislature has testified with impressive unanimity. While Commonwealths of the South are embracing the pillars of the Republic, determined to destroy it, New York offers men and money to assert the supremacy of the Government, and defend it against all comers.

The people of the State of New York believe in this Government as their fathers made it. They believe in it, not as a mere commercial league, whose material advantages they can calculate, and whose value they can weigh in golden scales. To them it is something more. They cherish it for its memories of martyrs, of heroes, and of statesmen; they cherish it for its wisdom, grand with the revelations and pregnant with the experience of buried centuries and epochs; they cherish it for the shelter it affords against the tempest, which, without it, would burst upon this continent in an hour; above all, they cherish it for its promises unredeemed, its mission un-

completed, its destiny unfulfilled. In the world-trod streets of our great metropolis sixty-four languages and dialects are spoken. In this chaos of voices, are breathed the prayers, and muttered the curses of the exile, the refugee, the emancipated of all Governments and all climes. Of this motley group of tongues there is not one—no, not one—without an anathema to blast the man who would overthrow free institutions in this continent of ours. Among the vocabularies of them all, in which shall be found the word whereby to call so infinite a crime. It is a deed without a known name.

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NOTE.—See Elliot's Debates, vol. i., page 430, for the following, contained in the statement delivered to the Legislature of Maryland by Luther Martin, attorney general of Maryland, and a delegate in the Constitutional Convention:

"By the principles of the American Revolution arbitrary power may, and ought to be resisted, even by arms if necessary. The time may come when it shall be the duty of a State, in order to preserve itself from the oppression of the General Government, to have recourse to the sword: in which case, the proposed form of government declares, that the State, and every one of its citizens who act under its authority, are guilty of a direct act of treason; reducing by this provision the different States to this alternative, that they must tamely and passively yield to despotism, or their citizens must oppose it at the hazard of the halter if unsuccessful—and reducing the citizens of the State which shall take arms to a situation in which they must be exposed to punishment, let them act as they will, since if they obey the authority of their State government, they will be guilty of treason against the United States; if they join the General Government, they will be guilty of treason against their own State.

"To save the citizens of the respective States from this disagreeable dilemma, and to secure them from being punishable as traitors to the United States, when acting expressly in obedience to the authority of their own State, I wished to have obtained as an amendment to the third section of this article, the following clause:

"*Provided, That no act or acts done by one or more of the States against the United States, or by any citizen of any one of the United States under the authority of one or more of the said States, shall be deemed treason or punished as such; but in case of war being levied by one or more of the States against the United States, the conduct of each party towards the other, and their adherents respectively, shall be regulated by the laws of war and of nations.*"

"But this provision was not adopted, being too much opposed to the great object of many of the leading members of the Convention, which was by all means to leave the States at the mercy of the General Government, since they could not succeed in their immediate and entire abolition."





